

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

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JUDY FOSTER,	)	
	)	
Plaintiff,	)	
	)	Case No. 3:11-cv-01216
vs.	)	
	)	JUDGE ASPEN
SPRING MEADOWS HEALTH	)	
CARE CENTER, LLC,	)	JURY DEMAND
	)	
Defendant.	)	

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JURY INSTRUCTIONS NUMBER 6

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**SIMILARLY SITUATED EMPLOYEES**

One way by which a Plaintiff may prove discrimination is to show that a similarly situated employee was treated more favorably than Plaintiff. To do so, a plaintiff must demonstrate that the comparable employee is similar in all of the relevant aspects. Plaintiff need not demonstrate an exact correlation with the employee receiving more favorable treatment in order for the two to be considered similarly-situated, rather, the plaintiff and the employee with whom the plaintiff seeks to compare herself must be similar in all of the relevant aspects.

*Ercegovich v. Goodyear Tire & Rubber Co.*, 154 F.3d 344 (6<sup>th</sup> Cir. 1998); *Pierce v. Commonwealth Life Ins. Co.*, 40 F.3d 796 (6<sup>th</sup> Cir. 1994).

Respectfully submitted,

/s/ Debra A. Wall  
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**CERTIFICATE OF SERVICE**

This certifies that a copy of the foregoing is being forwarded via the Court's Electronic Mailing System to:

Kathryn W. Olita  
Erik Fuqua  
121 South Third Street  
Clarksville, Tennessee 37040

on this the 5th day of April, 2013.

s/Debra A. Wall  
Debra A. Wall